

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.994 of 2021

K.Saravanan

... Petitioner

Vs.

DCB Bank Ltd
No.6 Rajaji Road
Opposite tennis stadium
Nungambakam
Chennai-34.

... Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Certiorari to quash the auction sale notices dated 29.9.2020 and 29.12.2020 issued by the Respondent bank.

For Petitioner : Mr.S.Shaji Paul

For Respondent : Mr.Ram Prasad

ORDER

(Made by *SENTHILKUMAR RAMAMOORTHY, J*)

The petitioner seeks to challenge the auction sale notices issued by the respondent bank.

2. The admitted position is that the petitioner is a borrower from the respondent bank and had also initiated proceedings under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 before the Debts Recovery Tribunal, Chennai.

3. In the wake of the existence of an efficacious alternative remedy, which, in fact was already availed of by the petitioner, we see no reason to interfere in this matter by exercising discretion.

4. For the reasons aforesaid, W.P.No.994 of 2021 is dismissed. The dismissal of the writ petition shall not prejudice the exercise of rights by the petitioner, in accordance with law, before the appropriate Debts Recovery Tribunal. There will be no order as to costs. As a consequence, WMP No.1088 of 2021 is also dismissed.

Sd/-

Assistant Registrar (CS.III)

/True Copy/

Sub Assistant Registrar

To

The Manager,
DCB Bank Ltd
No.6 Rajaji Road
Opposite tennis stadium
Nungambakam
Chennai-34.

Copy to : The Registrar,
Debts Recovery Tribunal,
Spencer (Mount Road),
Chennai.

+lcc to Mr.S.K.Mariyappan, Advocate SR.NO.8510

AKM/23.02.21/ 2P-4C/

सत्यमेव जयते

W.P.No.994 of 2021
11.02.2021

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